

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/19671

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : C 12Q 1/68; C07H 21/04
US CL : 435/6; 536/25.32

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 435/6; 536/25.32

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6,777,184 B2 (NIKIFOROV et al) 17 August 2004 (17.08.2004) see whole document.	1-5 and 8-10
Y	US2004/0081959 A9 (REED et al) 29 April 2004 (29.04.2004) see page 2 paragraph 0012.	6-7

Further documents are listed in the continuation of Box C.

See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"E" earlier application or patent published on or after the international filing date

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"O" document referring to an oral disclosure, use, exhibition or other means

"R"

document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

20 November 2004 (20. 11.2004)

14 FEB 2005

Name and mailing address of the ISA/US

Authorized officer

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Commissioner for Patents
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Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:

3. Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-10

Remark on Protest

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

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BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-10, drawn to a nucleic acid probe.

Group II, claim(s) 11-38, drawn to a method for detection or quantification of a nucleic acid.

The inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The nucleic acid of claims 1-10 is not joined to the methods of at least claims 11-38. The nucleic acid is required to comprise the structural components of a derivatized dye and a monomeric linked nucleic acid moiety. This is not a special technical feature which joins the claimed inventions because Nikiforov et al. (USPN 6,777,184 B2, 17 August 2004) teach derivatized dye and a monomeric linked nucleic acid moiety (see col. 7 lines 36-41). The methods of claims 11-38 are not limited in scope so as to require the product of claims 1-10 and therefore are not joined to claims 1-10 by a special technical feature.